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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AJW PARTNERS, LLC, AJW OFFSHORE, LTD,
AJW QUALIFIED PARTNERS, LLC, and NEW
MILLENNIUM CAPITAL PARTNERS II, LLC,

Plaintiffs,

-against-

CYBERLUX CORPORATION and
DONALD F. EVANS,

Defendants.

Case No. 07-CV-8367

ECF CASE

DECLARATION OF
JACK M. KINT, JR.

JACK M. KINT, JR., declares under the penalties of perjury, pursuant to 28 U.S.C.
§ 1746 that:

1. I am an attorney in good standing with the State of New York, admitted to practice before this Court, and associated with the law firm Olshan Grundman Frome Rosenzweig & Wolosky LLP, Park Avenue Tower, 65 East 55th Street, New York, New York 10022, attorneys for plaintiffs AJW Partners, LLC, AJW Offshore, Ltd., AJW Qualified Partners, LLC, and New Millennium Capital Partners II, LLC, in this action.

2. I submit this declaration in support of plaintiffs' motion to remand this action to New York State Supreme Court, and for the purpose of bringing to the Court's attention documents that it may consider in determining this motion.

3. Annexed as Exhibit A is a true and correct copy of Cyberlux's \$180,000 Note to defendant AJW Qualified Partners, dated May 24, 2005. The terms and conditions in this Note, except for the dates and dollar amounts, are identical to those in the other Notes that defendants purchased from Cyberlux.

4. Annexed as Exhibit B is a true and correct copy of the complaint that defendant Cyberlux Corporation filed on September 4, 2007, in its action number 07 CV 7808, now pending in this Court.

5. Annexed as Exhibit C is a true and correct copy of excerpts from the memorandum of law that plaintiffs filed on September 21, 2007, in support of their motion to dismiss the complaint in Cyberlux's action number 07 CV 7808.

6. Annexed as Exhibit D is a true and correct copy of a declaration by Gary Post, a member of plaintiff New Millenium Capital Partners II, LLC, dated September 17, 2007, that plaintiffs filed on September 21, 2007, in support of their motion to dismiss the complaint in Cyberlux's action number 07 CV 7808.

7. Annexed as Exhibit E is a true and correct copy of a declaration, with exhibits, by Corey Ribotsky, plaintiffs' manager, dated September 17, 2007, that plaintiffs filed on September 21, 2007, in support of their motion to dismiss the complaint in Cyberlux's action number 07 CV 7808.

8. Annexed as Exhibit F is a true and correct copy of defendants' Notice of Removal in this action, filed September 25, 2007. Defendants served this notice on October 3, 2007.

9. Annexed as Exhibit G is a true and correct copy of an Order entered on June 7, 2007, by the Hon. Paul A. Crotty, United States District Judge, in the matters styled *AJW Partners, LLC, et al. v. RG Global Lifestyles, Inc. and Louis L. Knickerbocker*, S.D.N.Y. No. 07 Civ. 1835 (PAC), and *AJW Partners, LLC, et al. v. Bootie Beer Corporation*, S.D.N.Y. No. Civ. 1836 (PAC). Ernest E. Badway, Esq., who represents Cyberlux and Mr. Evans in this action, was and is counsel of record for the defendants in the foregoing matters as well.

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Dated: October 5, 2007

/s/ Jack M. Kint, Jr.
JACK M. KINT, JR.